

a 3

of coffee taste preferences, whereby the consumer identifies and purchases one or more of said products.

IN THE DRAWINGS

Submitted herewith are formal drawings in the present case. It is believed that the formal drawings overcome all of the Examiner's objections to the informal drawings that were filed with the present application.

REMARKS

The first Official Action in this case has been reviewed and carefully considered. Independent claims 1, 20 and 53 have been amended herein to clarify one process step of the present invention. More specifically, it is made clear in all of the independent claims currently being prosecuted that the consumer identifies and purchases one or more of the products. No new matter is added and entry of these amendments is respectfully requested. Moreover, claims 12-15, 18, 19, 31, 34-52, 64, 67 and 68 have all been cancelled. As such, claims 1-11, 16, 17, 20-30, 32, 33, 53-63, 65, and 66 remain in the application.

Rejection under 35 USC § 101

Claims 1-68 stand rejected under 35 USC § 101 as allegedly being an abstract idea that does not define a concrete result. The Applicants respectfully traverse this rejection as it is applied to the claims amended herein.

The present claims are directed to methods for helping a consumer select and purchase coffee products that are best suited to the consumer's individual tastes and lifestyle. The methods involve the steps of presenting the consumer with various different coffee products from which to choose, and giving them visual information relating to the qualities of each different coffee product. The consumer can then select the coffee that best suits their individual needs at that time, and then the consumer purchase one or more of the coffee products. The present claims have been amended to clarify that the coffee is actually selected and purchased. Ultimately, however, the present claims define a method that produces a "useful, concrete, and tangible result", which is, the consumer purchases a coffee product that is best suited to their lifestyle and tastes. As such, the present claims are patentable subject matter under 35 USC § 101 and it is respectfully requested that the present rejection be withdrawn.

Rejection Based on the Drawings

Claims 12-19, 31-35, 48-52 and 64-68 stand rejected as allegedly claiming subject matter not shown in the drawings. Claims 12-15, 18, 19, 31, 34, 35, 64, 67 and 68 have all

been canceled. As such it is believed that the present rejection has been obviated with respect to these claims and should be withdrawn.

But the Applicants respectfully traverse this rejection with respect to claims 16, 17, 32, 33, 65 and 66. Specifically, claims 16, 32 and 65, are directed to information shown on a "modified slide rule". This type of implement and information is shown in Figures 1A, 1B and 1C of the present application. Moreover, claims 17, 33 and 66 are directed to information on a "printed chart", such as the one shown in Figure 2. Thus, with regard to claims 16, 17, 32, 33, 65 and 66, it is believed that the claimed subject matter is shown in the drawings. As such, the Examiner is respectfully requested to withdraw the present rejection of these claims based on the drawings.

Rejection under 35 USC § 103(a)

Claims 1-68 stand rejected under 35 USC § 103 for allegedly being obvious in light of US Patent No. 5,568,763, to Kunzler. The Official Action states that Kunzler teaches an automatic coffee machine that allows a consumer to select different parameters for a brewed cup of coffee. The Applicant respectfully traverses this rejection.

→ The present invention is directed to methods for helping a consumer select one or more types of coffee from a variety of options. The method steps include presenting Multiple Self-Characterization Cues to the consumer regarding the consumer's coffee taste preferences, with the information collection being provided through the use of a representation at the point of purchase. The representation describes a classification of coffee products from among at least two available classifications, which are preferably related to the coffee roast and coffee flavor. Each classification may contain multiple coffee products, wherein each of the available classifications corresponds to a predetermined range of coffee taste preferences. And the Multiple Self-Characterization Cues comprising one Abstract Lifestyle/Personality Cue, which is the same object across three or more classifications but varies in shape. Using the information presented, the consumer identifies and purchases one or more of the products.

In sharp contrast, Kunzler teaches a standard coffee brewer wherein the strength and quantity of the coffee can be varied based on a consumer's selected criteria. More specifically, the consumer selects from various strength and size indicators and the brewer sets the amount of beans to be ground and the amount of time that water will be injected into the grounds. These settings determine the strength and size of the cup of coffee brewed. Strength and size controls are well known to the art of coffee brewing and the simple control system taught in Kunzler is among the easiest way to control these parameters.

It should be noted, however, that the term "strength" is sometimes used in the coffee art to describe the effect of different roasting methods. For example, an espresso roast may

produce a stronger *flavor* than does a normal roast. This use of the term "strength" should not be confused with the teaching of Kunzler, which has nothing what so ever to do with the flavor imparted to coffee via different roasting methods. Kunzler simply teaches an automated method for placing more or less ground coffee in a brew basket depending on the desired coffee strength. The type of coffee is not varied at all in the methods taught in Kunzler.

The characteristics of a cup of coffee, however, are determined by more than the strength of the coffee. And the amount of the coffee in a cup is a characteristic that is not related in any way to the coffee within the cup. Possibly the two most important characteristics affecting the flavor of coffee are the type of beans used and how they are roasted. Consumers have only recently become aware of the differences between various coffee beans and different roasting methods. But before the methods of the present invention, consumers were not provided with a system of visual cues to relate the characteristics of a coffee's flavor with their own lifestyles and preferences. For example, Figures 1A, 1B and 1C exemplify symbols on a sliding scale that relate to the roast of the beans, and Figure 2 shows a chart with cues related to the blends of various types of beans. These charts and sliding scales have nothing to do with the strength of the coffee as that term is used in Kunzler. Once again, strength control, as taught in Kunzler and countless other art references, is well known to the art and not part of the present methods.

The present methods are not taught or suggested in Kunzler, or the other references made of record in the present case. As such, the Applicant respectfully requests that the rejection of the present claims under § 103 be withdrawn.

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections based on the Drawings and those under 35 USC §§ 101 and 103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,



S. Robert Chuey
Attorney for Applicants
Registration No. 39140
(513) 634-0102

Date: November 15, 2002
Customer No. 27752

Attachments:

*Version with Markings Showing Changes
Formal Drawings*

Claim 1 has been amended as follows:

1. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least two available classifications, each of which may contain multiple coffee products, wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences; and

said Multiple Self-Characterization Cues comprising one Abstract Lifestyle/Personality Cue which is the same object across three or more classifications but varies in shape, ~~thereby allowing~~ whereby the consumer to ~~identify~~ identifies and ~~purchases~~ one or more of said products.

20. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least two available classifications, each of which may contain multiple coffee products; wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences; and

said Multiple Self-Characterization Cues comprising one Non-Coffee Related Abstract Lifestyle/Personality Cue which a unique object across three or more classifications, ~~thereby allowing~~ whereby the consumer ~~to identify~~ identifies and purchases one or more of said products.

53. A method for directing a consumer to one or more types of coffee from a plurality of options, said method comprising the steps of:

presenting two or more Non-Coffee Related Multiple Self-Characterization Cues to said consumer regarding said consumer's coffee taste preferences, said information collection being provided through the use of a representation at the point of purchase;

said representation describing a classification of coffee products from among at least three available classifications, each of which may contain multiple coffee products, wherein each of said available classifications corresponds to a predetermined range of coffee taste preferences, ~~thereby allowing~~ whereby the consumer ~~to identify~~ identifies and purchases one or more of said products.